

DOCKET FILE COPY OF **RECEIVED**

Before the
Federal Communications Commission
Washington, D.C. 20554

JUN 13 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

TO: The Commission

**PETITION FOR PARTIAL RECONSIDERATION
OF SHENANDOAH VALLEY EDUCATIONAL TELEVISION CORPORATION**

Shenandoah Valley Educational Television Corporation ("Shenandoah"), licensee of public station WVPT(TV) (NTSC Channel 51, Staunton, Virginia), hereby petitions the Commission to reconsider its decisions in the above-referenced proceeding, specifically the assignment of DTV Channel 19 to WVPT(TV). In addition to WVPT(TV), Shenandoah operates a number of translator stations, including W19BB in Charlottesville, Virginia (Albemarle County), which currently operates on Channel 19.

These translators are vital to Shenandoah's continuing ability to meet its educational and noncommercial mission because of the mountainous terrain that characterizes its coverage area. The Charlottesville translator is especially important in this region. Shenandoah is extremely concerned because its current DTV assignment would destroy or cripple provision of its educational programming by its Channel 19 translator to viewers in Charlottesville and in greater Albemarle County. Because it now

No. of Copies rec'd
List A B C D E

0211

appears to be impossible to locate an alternative translator channel to serve the Charlottesville/Albemarle County area, Shenandoah respectfully requests that the Commission take into account the public interest benefits associated with preserving the service W19BB now provides, and on reconsideration assign a different DTV channel to WVPT(TV).

Shenandoah provides a noncommercial, educational television service to all or a part of 21 counties in Virginia and West Virginia using two transmitters and five translators. Since its inception in 1964, Shenandoah has provided in-school programming to the schools within its service area, including a full schedule of over-the-air educational programs from 10:00 a.m. until 3:00 p.m., Monday through Friday during the school year. Losing translator service to the Charlottesville/Albemarle community would harm the public interest in at least two ways. First, members of the community served by W19BB would lose the educational programming historically provided by Shenandoah. Second, loss of this service area would threaten WVPT(TV)'s ability to maintain the quality of educational programming currently provided to other communities it serves. WVPT(TV) is the smallest public television station in Virginia, both in budget and in staff, and reaching the Charlottesville/Albemarle community is essential to its continued viability. The demographics for income and educational level of Charlottesville/Albemarle are the highest by far of all cities and counties in the areas that WVPT(TV) serves. A full 25% of the station's member contributions come from viewers residing in the Charlottesville/Albemarle area, and 30% of the retail value of

auction items sold on WVPT(TV) originate in that area. Therefore, losing access to this community would cause severe economic harm to an already struggling public station.

In providing educational programming to this area, Shenandoah faces a unique challenge. The terrain within this area limits the coverage area of WVPT(TV), Shenandoah's full-service primary station, so Shenandoah must employ a system of translators to reach a large portion of its viewers. In addition, much of Shenandoah's service area is within the National Radio Quiet Zone (the "Quiet Zone"). The Quiet Zone was established to protect the Naval Research Laboratory Station at Sugar Grove, West Virginia and the National Radio Astronomy Observatory at Green Bank, West Virginia, and has limited Shenandoah's ability to provide service in the area. Despite these limitations, Shenandoah provides service to portions of the Shenandoah Valley, and historically has served areas east of the Blue Ridge Mountains with translator stations such as W19BB in Charlottesville.

If WVPT(TV) were required to establish DTV operation on Channel 19, it would need a new channel on which to provide its translator service to Albemarle County. WVPT(TV) is located only 75.7 kilometers from W19BB and although W19BB is within the predicted Grade B contour of WVPT(TV), WVPT(TV) does not in fact serve much of the translator's service area. Terrain obstruction caused by the Blue Ridge Mountains prevents WVPT(TV)'s signal from reaching these portions of W19BB's service area.

Based on experience with translator allocation studies in the Charlottesville area, our consulting engineers have advised us that it may be impossible to find a new

channel on which to operate our translator in Charlottesville. Because the loss of translator service to the Charlottesville/Albemarle area would be a tremendous blow both to Shenandoah and to the viewers in the community, Shenandoah has begun exploring alternative DTV channel assignments for WVPT(TV), in hopes that the Commission will consider a reassignment.^{1/}

Preliminarily, we have examined Channel 11 as a possible alternative DTV channel for WVPT(TV). We are examining potential interference and other issues associated with this alternative, and believe that it may be a suitable solution to the problem. If further evaluation shows Channel 11 to be inappropriate, we will continue to analyze alternative DTV channels in the area and hope ultimately to present a suitable alternative DTV channel assignment for consideration by the Commission.

Shenandoah understands that the Commission faced an extremely complicated task in developing new DTV channel assignments for more than 1600 full power NTSC stations, and recognizes that the Commission made a policy decision to maintain the secondary status of translators in order to facilitate the DTV transition. Shenandoah finds itself in a unique situation, however, requiring a unique solution. In light of the public interest benefits at stake, we respectfully request that the Commission

^{1/} Shenandoah faces an analogous situation resulting from the assignment of DTV Channel 49 to WHSV-TV in Harrisonburg, Virginia, 14.5 miles north-northwest of Shenandoah's NTSC Channel 49 translator. This translator provides WVPT(TV)'s noncommercial, educational programming to three school divisions (Madison, Greene, and Rappahannock), and to parts of other counties. We believe it would be virtually impossible to find another translator channel in this congested market. We understand that Benedek, the licensee of WHSV-TV, will petition the Commission to change WHSV-TV's DTV assignment, and Shenandoah strongly supports Benedek's efforts in this regard.

reconsider the DTV channel assignment provided to WVPT(TV) in order to preserve the important educational service currently delivered through Shenandoah's translator in Charlottesville.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer A. Johnson", written over a horizontal line.

Kurt A. Wimmer
Jennifer A. Johnson

COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, D.C. 20044-7566
(202) 662-6000

*Counsel for Shenandoah Valley
Educational Television Corporation*

June 13, 1997